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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,931	02/15/2001	David Ish-Horowicz	7326-122	8177
20583	7590	11/10/2005	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			KAUFMAN, CLAIRE M	
			ART UNIT	PAPER NUMBER
			1646	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Continuation of Disposition of Claims: Claims pending in the application are 29-32,60,61,99-105,107-110,112-126,128-136,138,139,141- 146,152-169 .

Continuation of Attachment(s) 6). Other: Notice to Comply and Examiner's Comments.

Art Unit: 1646

Sequences

This application contains sequence disclosures that are encompassed by the definitions for nucleic and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth in the attached Notice to Comply with Requirements for Patent Applications Containing Nucleic Sequence and/or Amino Acid Sequence Disclosures.

The amended specification (*e.g.*, Fig. 11, Brief Description on p. 10) describes newly added SEQ ID NO:95 (10/21/05) as “chicken C-Delta-1”. However, the Sequence Listing says in feature <213> that this sequence is “Homo sapiens”.

Appropriate correction of either the specification or the paper copy of the Sequence Listing and CRF is required.

Examiner's Comments

Claim Objections

Claims 156 and 157 are objected to because of the following informalities: in the fourth line of the claim, “the” should be –said—or the term “vertebrate Delta” should be added after “the” for clarity. Appropriate correction is required.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,337,387 (Sakano) teaches polypeptides which are at least 80% identical to SEQ ID NO:2 of the instant application. However, this patent is not available as prior art because it receives a 102(e) date of 6/18/98, which is later than the priority benefit date of the instant application. US 6,121,045 (McCarthy et al.) teaches the protein of SEQ ID NO:8 which differs from SEQ ID NO:2 of the instant application by a single gap. However, this patent is not available as prior art because it receives a priority date of 4/4/97 at the earliest, which is later than the priority benefit date of the instant application.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Claire M. Kaufman, whose telephone number is (571) 272-0873. Dr. Kaufman can generally be reached Monday, Tuesday, Thursday and Friday from 9:30AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached at (571) 272-0829.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Official papers filed by fax should be directed to (571) 273-8300. NOTE: If applicant *does* submit a paper by fax, the original signed copy should be retained by the applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

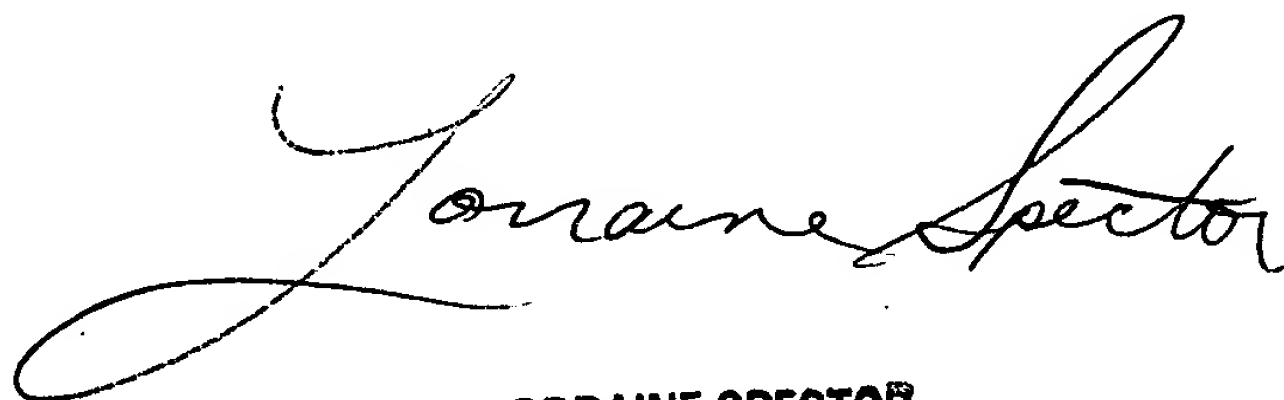
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Claire M. Kaufman, Ph.D.



Patent Examiner, Art Unit 1646

November 7, 2005



**LORRAINE SPECTOR
PRIMARY EXAMINER**

Notice to Comply	Application No.	Applicant(s)	
	09/783,931	ISH-HOROWICZ ET AL.	
	Examiner	Art Unit	
	Claire M. Kaufman	1646	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See attached for SEQ ID NO:95.

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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